

Public Chapter 298

SENATE BILL NO. 415

By Dixon

Substituted for: House Bill No. 409

By Bowers, Ulysses Jones, Miller, Cooper, Brooks, Sherry Jones

AN ACT To amend Tennessee Code Annotated, Title 41, Chapter 21, Part 1, relative to HIV testing of inmates as part of intake process into prison system.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 41-21-107(a), is amended by adding the following as a new, appropriately designated subsection:

(5)(A) Have the inmate undergo HIV testing through a licensed medical laboratory, unless the inmate has been tested pursuant to Section 39-13-521 before reception. The inmate shall also undergo a confirmatory test and be referred to appropriate counseling when necessary.

(B) The result of any HIV test ordered under this subsection is not a public record and shall be available only to:

- (i) The person tested;
- (ii) The attending physician of the person tested;
- (iii) The Department of Health; and
- (iv) The Department of Correction.

(C) For purposes of this section, "HIV test" means a test of an individual for the presence of human immunodeficiency virus (HIV), or for antibodies or antigens that result from HIV infection, or for any other substance specifically indicating infection with HIV. The Department of Correction shall promulgate rules providing for the testing of inmates for HIV, and such rules shall be consistent with the rules and procedures of the Department of Health.

(D) The provisions of this subsection (5) shall only apply to an inmate who is less than twenty-one (21) years of age.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.